

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Replacement of Part 90 by)
Part 88 to Revise the Private)
Land Mobile Radio Services and)
Modify the Policies)
Governing Them)

and)

Examination of Exclusivity and)
Frequency Assignment Policies)
of the Private Land)
Mobile Services)

PR Docket No. 92-235

DOCKET FILE COPY ORIGINAL

To: The Commission

PETITION FOR RECONSIDERATION

The Land Mobile Communications Council ("LMCC"), by its attorneys and pursuant to Section 1.106(a)(1) of the Federal Communications Commission ("FCC" or "Commission") Rules and Regulations, respectfully requests the Commission to reconsider its September 12, 1995 Order Extending Comment And Reply Comment Period ("Order") in the Further Notice of Proposed Rule Making ("FNPRM") segment of the above-entitled proceeding.¹ The LMCC respectfully requests that the Commission instead adopt the filing period requested in the LMCC's Motion for Extension of Time ("Motion") filed on September 5, 1995.

In its Motion, the LMCC requested that the period for filing comments on the FNPRM be extended to November 20, 1995, to coincide with the industry's report on its service consolidation efforts. The FCC provided until November 20, 1995, for the private land

¹ Report and Order and Further Notice of Proposed Rule Making, PR Docket No. 92-235, 10 FCC Rcd ____ (1995).

mobile community to negotiate and submit a comprehensive plan on the consolidation of the radio service groups in the private land mobile bands. After holding various meetings to discuss both the consolidation and the FNPRM-related issues, the LMCC found that it could not file comprehensive comments on the FNPRM independent of decisions being reached in conjunction with the service consolidation negotiations. Accordingly, the LMCC proposed that the deadline for filing comments on the FNPRM be the same date that the industry report is due. The LMCC also requested that the date for filing reply comments be extended until January 5, 1996.

On September 1, 1995, the American Public Transit Association ("APTA") requested the Commission to extend the time for filing comments on the FNPRM to October 16, 1995, thirty-five (35) days before the consolidation proposal is to be submitted to the Commission. The Commission granted an extension of time for filing comments to October 16, 1995, as proposed by APTA, and extended the time for filing reply comments to November 20, 1995. The Commission noted that the reply comment date coincides with the date for submitting the consolidation plan.

The LMCC respectfully requests the Commission to reconsider the filing period it adopted in its Order. Although APTA may be prepared to file comprehensive comments on the FNPRM prior to the finalization of the consolidation proposal, the LMCC will not be. As explained in its Motion, the LMCC submits that in order to develop an organized and effective spectrum allocation plan, consolidation decisions must be made in conjunction with decisions regarding channel exclusivity, competitive bidding and user fees. It is not feasible to develop rules which will facilitate the transition from an environment in which all channels

are shared to one in which exclusivity may be achievable prior to negotiating a consolidation plan. Providing for the reply comment date to coincide with the date the consolidation report is due does not adequately address the LMCC's concern for developing a complete record on the issues presented in the FNPRM.

As stated in its Motion, the extensions requested should not be expected to delay the implementation of more spectrally efficient technologies in these bands since even the initial applications under the new channelization plan will not be accepted by the Commission until August 18, 1996.² The limited additional period requested herein will not delay that date. Rather, by facilitating the development of a thoughtful, comprehensive assessment of the extraordinarily complex issues presented in this proceeding, the successful migration to improved technologies should be advanced.

² See, Public Notice, DA 95-1839, Freeze on the Filing of Applications for 12.5 kHz Offset Channels in the 421-430 MHz and 470-512 MHz Bands, released August 22, 1995; Public Notice, DA 95-1771, Freeze on Filing of High Power Applications for 12.5 kHz Offset Channels in the 450-470 MHz Band, released August 11, 1995.

For the reasons described above, the LMCC urges the Commission to reconsider its Order extending the filing period in the above-identified proceeding and extend the comment and reply comment dates until November 20, 1995 and January 5, 1996, respectively.

Respectfully submitted,

LAND MOBILE COMMUNICATIONS COUNCIL

By:


Elizabeth R. Sachs, Esquire

Dated: September 20, 1995

Lukas McGowan Nace & Gutierrez, Chartered
1111 Nineteenth Street, N.W., Suite 1200
Washington, D.C. 20036
(202) 857-3500

CERTIFICATE OF SERVICE

I, Cheri Skewis, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 20th day of September, 1995, caused to have hand delivered a copy of the foregoing Petition for Reconsideration to the following:

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

Regina Keeney, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

Daniel Phythyon
Senior Legal Advisor
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

Jackie Chorney
Legal Assistant
Wireless Telecommunications Bureau
Federal Communications Commission
2525 M Street, NW, Room 5002
Washington, DC 20554

Robert McNamara, Chief
Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 8010
Washington, DC 20554

* Mattie Condray
Deputy Assistant Chief Counsel
American Public Transit Association
1201 New York Avenue, NW
Washington, DC 20005



Cheri Skewis

* Via U.S. Mail